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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,450	07/21/2003	Hideki Saga	29284/592	5239

23838 7590 09/12/2005

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EXAMINER
CHU, KIM KWOK

ART UNIT	PAPER NUMBER
2653	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/622,450	SAGA, HIDEKI	
	Examiner	Art Unit	
	Kim-Kwok CHU	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/583,480.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> *A person shall be entitled to a patent unless --*
> *(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

2. Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Takiguchi et al. (U.S. Patent 6,392,971).

Takiguchi teaches an information recording apparatus for recording information on a recording medium having all the elements and means as recited in claim 1. For example, Takiguchi teaches the following:

(a) as in claim 1, the information recording apparatus for recording information on a recording medium 16 by supplying the recording medium 16 with energy to form marks different in physical property from non-recorded portions (Fig. 1; optical disc 16 is being read and written);

(b) as in claim 1, an energy generation means 11 for generating recording energy (Fig. 1; laser light source is the energy generation means);

(c) as in claim 1, a position control means 28 for controlling a position of supply to the recording medium 16 with an output of the energy generation means 11 (Fig. 1; column 4, lines 1-14; position control is focusing and tracking);

(d) as in claim 1, a drive means 21, 22 for driving the energy generation means 11 (Fig. 1; column 3, lines 27-37);

(e) as in claim 1, a switching means 50 for switching (controlling) information based on user data and test information to supply these two kinds of information selectively to the drive means 21, 22 (Figs. 1 and 7; step 91; control 50 supplies user data and test pattern to LPC 22);

(f) as in claim 1, a reading means 15, 20 for reading the marks recorded on the recording medium 16 (Fig. 1; reading means is the optical head which includes reading optics 15 and photodetector 20);

(g) as in claim 1, a vibration means (jitter compensation) for vibrating (focusing servo) the reading means in a direction perpendicular to a main scanning direction on the recording medium (Fig. 5; column 7, lines 4-29; servo focusing is a direct perpendicular motion to a main scanning/tracking direction);

(h) as in claim 1, an evaluation means 70 for evaluating a reproduced signal obtained by the reading means (Fig. 7); and

(i) as in claim 1, a recording condition control means 22, 28 (LPC and servo driver) for controlling a recording condition (light intensity and servo focusing) on the basis of an evaluation result (jitter/defocus) obtained by the valuation means 70 (Figs. 1 and 7; LPC controls light intensity based on test pattern and driver 28 controls the recording focused light).

3. Claims 2-4 are rejected under 35 U.S.C. § 102(e) as being anticipated by Takiguchi et al. (U.S. Patent 6,392,971).

Takiguchi teaches an information recording apparatus for recording information on a recording medium having all the elements and means as recited in claims 2 and 3. For example, Takiguchi teaches the following:

(a) as in claim 2, the information recording apparatus for recording information on a recording medium 16 by supplying the recording medium 16 with energy to form marks different in physical property from non-recorded portions (Fig. 1; optical disc 16 is being read and written);

(b) as in claim 2, an energy generation means 11 for generating recording energy (Fig. 1; laser light source is the energy generation means);

(c) as in claim 2, a position control means 28 for controlling a position of supply to the recording medium 16 with an output of the energy generation means 11 (Fig. 1; column 4, lines 1-14; position control is focusing and tracking);

(d) as in claim 2, a drive means 21, 22 for driving the energy generation means (Fig. 1; column 3, lines 27-37);

(e) as in claim 2, a conversion means 52, 56 for converting user data in accordance with a predetermined rule (Fig. 1; coding and decoding means are conversion means based on a predetermined rule);

(f) as in claim 2, a switching means 50 for switching information based on conversion of the user data by the conversion means and test information to supply these two kinds of information selectively to the drive means (Figs. 1 and 7; step 91; control 50 supplies user data and test pattern to LPC 22);

(g) as in claim 2, a reading means 15, 20 for reading the marks recorded on the recording medium 16 (Fig. 1; reading means is the optical head which includes reading optics 15 and photodetector 20);

(h) as in claim 2, an evaluation means 70 for evaluating a reproduced signal obtained by the reading means (Figs. 1 and 7; jitter is read and calculated);

(i) as in claim 2, a recording condition control means 22, 28 (LPC and servo driver) for controlling a recording condition (light intensity and servo focusing) on the basis of an evaluation result (jitter/defocus) obtained by the valuation means 70 (Figs. 1 and 7; LPC controls light intensity based on test pattern and driver 28 controls the recording focused light);

(j) as in claim 2, the test information is supplied to the drive means so as to be recorded, specially prepared test information against the predetermined rule is used (Figs. 1 and 7; test pattern is coded and recorded);

(k) as in claim 2, when reproducing a mark being recorded the test information, a control operation (servo focusing) of the position control means 28 is changed to a condition of recording the test information (Fig. 7); and

(l) as in claim 3, the specially prepared test information contains a longer run than a run-length limit of the conversion means (Figs 4A-4C; column 6, lines 47-53).

4. Claim 4 has limitations similar to those treated in the above rejection, and is met by the reference as discussed above. Claim 4 however also recites the following limitation which are also taught by the prior art of Takiguchi:

(a) as in claim 4, different kinds of test information (test pattern) are recorded on a plurality of tracks (Figs 4A-4C).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yanagawa et al. (6,925,039) is pertinent because Yanagawa teaches a tilt adjusting means for an optical disc having a PCA area.

Hayashi et al. (6,363,039) is pertinent because Hayashi teaches a tilt detecting means and a test pattern in an optical disc drive.

Tobita et al. (6,327,240) is pertinent because Tobita teaches a tilt actuator and a tilt pattern in an optical disc drive.

Shimizu et al. (6,208,601) is pertinent because Shimizu teaches an OPC having light compensation means for a tilting disk.

Kirino et al. (5,703,855) is pertinent because Kirino teaches a tilt actuator and a test pattern in an optical disc drive.

6. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry. Or:

(571) 273-7585, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry of a general nature or relating to the status of this application should be directed USPTO Contact Center (703) 308-4357; Electronic Business Center (703) 305-3028.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kim-Kwok CHU
Examiner AU2653

KC 9/1/05

September 1, 2005
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